

REMARKS/ARGUMENTS

Objection to Drawings

The examiner objected to the drawings under 37 C.F.R. Section 1.83(a), as not showing a main body composed of more than one layer of material. Applicant has canceled claim 11, which was the only claim that recited a main body composed of more than one layer. This amendment has rendered moot the objection to the drawings. Therefore, Applicant requests that it be withdrawn.

Claim Amendments

Applicant has amended the claims simply to advance prosecution. Specifically, Applicant has amended claims 17 and 18 to correct minor errors in these claims. The amendments make the language of claim 17 consistent with that of claim 18. Claim 17 originally recited a "window," while claim 18 referred to the "skylight" of claim 17. Therefore, the term "window" in claim 17 has been replaced by "skylight" to make the claim language consistent.

Applicant amended claim 20 so that it encompasses a different embodiment in which the main body is arched along the longitudinal axis of the main body rather than perpendicular to the main body.

In addition, Applicant has added new dependent claims 21-24. Support for these claims is found throughout the specification; e.g., in paragraphs 9, 11, 26 and 33.

Rejections under 35 U.S.C. Section 102(b) and 35 U.S.C. Section 103

The examiner rejects all of the claims as anticipated by or obvious in light of either the Hasselbach reference (U.S. Patent No. 4,236,350), the Artwick reference (Design Patent No. 273,045) or the Paganelli Reference (International Publication No.

92/02697). The present invention is different from each of these references in specific ways set forth below. Generally, unlike the cited references, the present invention provides a skylight designed to capture light that strikes its surface at a low angle of incidence. In contrast, none of the cited references address the problem of optimizing light transmission by a skylight.

35 U.S.C. Section 102(b)

The Hasselbach Reference

The examiner rejected claims 1-4, 6-10, 12, 13 and 15-17, asserting that they were anticipated by the Hasselbach reference. Under 35 U.S.C. Section § 102(b), to anticipate a claim, a reference must disclose each and every element of the claim. See also MPEP § 2131. Each of the claims at issue, including claim 17, as amended, recite a skylight. The specification notes in paragraph 4, "Skylights are commonly inserted into the roofs of buildings to introduce natural light into the interior of buildings to offset the need for natural light..." In contrast, the Hasselbach reference discloses a seed tray assembly and greenhouse. Because the Hasselbach reference does not meet each and every limitation of claims 1-4, 6-10, 12, 13 and 15-17, it does not anticipate these claims. Therefore, Applicant requests that this rejection be reconsidered and withdrawn.

The Artwick Reference

In addition, claims 1-4, 6, 12, 14, and 16-20 were rejected as anticipated by the Artwick reference. The Artwick reference discloses a basement window cover rather than a skylight. Thus, similarly to the Hasselbach reference, it does not meet each and every limitation of the claims. Because the Artwick reference does not anticipate claims

1-4, 6, 12, 14, and 16-20, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The Paganelli Reference

Finally, claims 1-4 and 6-20 were rejected under 35 U.S.C. § 102(b) as anticipated by the Paganelli reference. The Paganelli reference discloses skylight panels suitable for use with a particular type of roofing. However, the skylight panels of the Paganelli reference have a different structure than the skylight of the present invention. For example, the skylight of the present invention comprises "a main body being arched and having an apex." In contrast, the Paganelli reference discloses a skylight panel with a main body that is flat and does not have an apex. Although raised slightly at its first and second ends the main body of the Paganelli skylight panel is a plateau that does not include a high point.

In addition, dependent claims 4 and 20, as amended, differ further from the Paganelli reference, reciting an additional limitation: a main body arched *along its longitudinal axis*. The main body of the Paganelli skylight panel is not arched in general, as noted above. Even the slight elevation occurring at the ends of the main body, does not run along the longitudinal axis of the main body.

Because the Paganelli reference does not disclose each and every element of claims 1-4 and 6-20, it does not anticipate these claims. Therefore, Applicant respectfully requests that the rejection as to these claims be reconsidered and withdrawn.

35 U.S.C. Section 103*The Hasselbach Reference*

Claims 5 and 18 were rejected under 35 U.S.C. § 103(a) as obvious in light of the Hasselbach reference. Specifically, the Examiner asserts that "the angles of the end walls as well as the parabola arch shape are viewed as choices of design which would have been obvious at the time of the invention to one having ordinary skill in the art." To establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations, there must be some motivation or suggestion to combine the references, and there must be a reasonable expectation of success. See MPEP § 2142, "Establishing a *prima facie* case of obviousness." For the following reasons, Applicant submits that the Hasselbach reference does not render the present invention obvious.

Claim 5 recites a skylight in which the main body is arched in the shape of a parabola. As noted above, the Hasselbach reference does not disclose a skylight but rather a seedling tray assembly. Therefore, the Hasselbach reference does not disclose each and every element of claim 5. In addition, the Hasselbach reference provides no motivation to design a skylight in the shape of a seedling tray assembly.

Finally, in addition to not providing or suggesting a skylight, the Hasselbach reference does not provide or suggest a parabola arch shape. The parabola arch shape of the skylight of claim 5 is not merely a design choice but the preferred shape of the skylight, as disclosed in paragraph 18 of the specification. The parabola arch shape lends to the skylight's light-capturing capabilities, optimizing the amount of light captured by the skylight as the sun moves through the sky from sunrise until sunset. Because a *prima*

facie case of obviousness has not been established, Applicant respectfully requests that this rejection of claim 5 be reconsidered and withdrawn.

Claim 18 recites a skylight in which "at least one of the end portions slopes toward the midpoint at an angle of about 45 degrees relative to a base on the main body." As noted above, the Hasselbach reference does not disclose a skylight but rather a seedling tray assembly. In addition, Hasselbach provides no motivation to modify the seed tray to arrive at the skylight of claim 18.

Finally, in addition to not providing or suggesting a skylight, the Hasselbach reference fails to provide motivation for end portions sloped at an angle of about 45 degrees. This feature is not merely a design choice, as suggested in the Office Action, but has a particular purpose. As indicated throughout the specification, and especially in paragraph 11, the end portions are angled in order to optimize light capture. Specifically, paragraph 11 reveals: "These end portions have the ability to collect light that originates from light sources nearly perpendicular relative to the base of the skylight. Additionally, these end portions and corrugations are angled so as to increase the angle of incidence of the light striking their surfaces. This increased angle of incidence results in a high angle of reflection and, consequently, little light is reflected off those surfaces." Hasselbach does not provide motivation to modify the seed tray cover design to optimize light capture.

The Hasselbach reference does not disclose each element of claim 18. In addition, it provides no motivation to modify the seedling tray assembly into a skylight with special features for optimizing light capture. Because a *prima facie* case of obviousness has not

been established, Applicant respectfully requests that the rejection of claim 18 be reconsidered and withdrawn.

The Artwick Reference

Claims 7-10 were also rejected as obvious in light of the Artwick reference. Claims 7-10 recite a skylight. In contrast, the Artwick reference discloses a basement window cover. Therefore, Artwick does not disclose each and every element of claims 7-10, as required to establish a *prima facie* case of obviousness. In addition, Artwick provides no motivation to modify its window cover to arrive at a skylight, in general, nor a skylight made of plastic that is light transmitting.

Finally, in addition to not providing or suggesting a skylight, the Artwick reference does not provide or suggest a skylight made of prismatic light-transmitting material, as recited in claim 10. Applicant submits that all plastic is not inherently prismatic, as suggested in the Office Action, at least as the term "prismatic" is defined in the specification. The specification defines prismatic plastic as having "small raised structures within the plastic, each of which refracts the collected light into the area illuminated." See paragraph 32. Because some plastic is smooth and does not contain such raised structures, not all plastic is prismatic, as defined in the specification.

Because a *prima facie* case of obviousness has not been established as to claims 7-10, Applicant respectfully requests that the rejection of these claims be reconsidered and withdrawn.

In light of the above amendments and remarks, Applicants believe that each of the presently pending claims in this application is in condition for allowance. Accordingly,

the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Enclosed is a check for \$75.00 to cover the addition of claims 21-24 by this amendment. Applicants do not believe any other fees are required, but if Applicants are mistaken, any required fees may be charged to deposit account 50-2767. If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 444-3900, x353.

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Respectfully submitted,

By: 

Carl J. Schwedler, Reg. No.: 36,924

McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814-4692
Tel.: (916) 444-3900
Fax.: (916) 325-4587